

POLICY STATEMENT ADOPTED BY  
INDEPENDENT SPECIAL DISTRICTS  
AND LAFCO

REGARDING LAFCO INDEPENDENT SPECIAL DISTRICT REPRESENTATION

1. SPECIAL DISTRICT REPRESENTATION. *(Amendment adopted by Commission April 17, 2002)*

Pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, independent special districts shall have two representatives plus one alternate on LAFCO.

2. METHOD OF SELECTION. *(Amendment adopted by Commission April 17, 2002)*

An Independent Special Districts Selection Committee shall be composed of the presiding officers of the legislative body of each independent special district located wholly within the County of San Bernardino and those containing territory within said County representing 50% or more of the assessed value of taxable property of each district. The Selection Committee shall appoint all independent special district representatives and alternate. Each member of the Selection Committee shall be entitled to one vote for each independent special district for which they are presiding officer. The meetings of the Selection Committee shall be in accordance with the provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Government Code Section 56000 et seq.

3. TERM OF OFFICE. *(Amendment adopted by Commission April 17, 2002)*

Other than the initial special districts representatives, the terms of office shall be for four years and until the appointment and qualification of a successor. Every officer whose term has expired shall continue to discharge his duties until his successor has qualified.

4. SPECIAL DISTRICT REPRESENTATIVES. *(Amendment adopted by Commission April 17, 2002)*

It shall be the policy of LAFCO that special district representatives and alternate should represent districts located in the San Bernardino Valley area, the desert area, and the mountain area. Inasmuch as possible, they should not represent

agencies that provide like service, (i.e., they should represent fire protection service, water service, sewer service, cemetery service, etc.). They shall be chosen as provided by the provisions within Government Code Section 56000 et seq.

5. SPECIAL DISTRICTS ASSOCIATION.

The association offers its services to work with the districts and LAFCO to provide assistance and coordination and to act as a forum to air and discuss problems of special districts and to make recommendations to LAFCO and the Selection Committee.

RULES AND REGULATIONS OF THE  
LOCAL AGENCY FORMATION COMMISSION  
OF SAN BERNARDINO COUNTY  
AFFECTING FUNCTIONS AND SERVICES OF SPECIAL DISTRICTS

SECTION 1 - AUTHORIZATION. *(Amendment adopted by Commission April 17, 2002)*

These rules and regulations are authorized pursuant to the provisions of Government Code Section 56000 et seq. and were originally adopted concurrent with an order for representation on the Commission by Independent Special Districts.

SECTION 2 - APPLICATION.

These rules and regulations shall apply to and affect all special districts located within San Bernardino County or for which said County is the principal county of the district, as specifically provided hereinafter. (Exhibit "A")

SECTION 3 - POWER OF THE COMMISSION. *(Amendment adopted by Commission April 17, 2002)*

The Commission shall:

- (a) Classify the various types of services which customarily are or can be provided within a single function of a special district.
- (b) Require existing districts to file written statements with the commission specifying the functions or classes of service provided by such district.
- (c) Establish the nature, location, and extent of any functions or classes of service provided by existing districts
- (d) Determine that, except as otherwise authorized by such rules and regulations, no new or different function or class of service shall be provided by any existing district.

These rules and regulations shall not apply to the extension or enlargement, within the boundaries of an existing district, of any function or service which the commission, pursuant to these rules and regulations, has established as currently being provided by such special district.

SECTION 4 - DEFINITIONS. *(Amendment adopted by Commission April 17, 2002)*

The definitions as outlined within the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 shall apply in these rules and regulations.

SECTION 5 - CLASSIFICATION OF FUNCTIONS AND SERVICES.

The classifications of functions and services are hereby established as provided in Exhibit "B," attached hereto and made a part of these rules and regulations.

SECTION 6 - INVENTORY OF SPECIAL DISTRICTS SERVICES.

Upon approval of the Rules and Regulations, at the request of the Executive Officer, and within sixty (60) days thereof, each special district shall provide the Commission with the following information and materials:

- (a) A report of the functions and services, as classified herein, being provided by the district prior to the date of the adoption of these rules and regulations.
- (b) A statement concerning the legal authority for the rendering of such functions and services.
- (c) A map or maps showing the boundaries of the district and the location(s) where such functions and services are then being provided.

For the purposes of these rules and regulations, a district shall be deemed to be providing a function or service if the district is actually exercising its powers to provide such function or service for the benefit of land or inhabitants within its boundaries.

Factors to be considered in a determination of whether a district is actually exercising its powers to provide such function or service may include, but not be limited to:

- (a) The existence of authorized but unsold bonds or the existence of actual bonded indebtedness where such bonds were authorized or sold in order to generate funds for the provision of such function or service.
- (b) The expenditure of funds and/or the obligation of funds, previously incurred contractual obligations, or the accumulation of funds for property, facilities, contract rights or equipment where such expenditure, obligation, or accumulation is for a specific objective or goal related to the provision of such function or service.
- (c) The actual provision of such function or service to the public, as, for

example, the actual provision of sewer service, fire protection service, TV translation service, etc.

#### SECTION 7 - ESTABLISHMENT OF EXISTING FUNCTIONS AND SERVICES.

Following receipt of the reports required by Section 6, above, the Commission shall establish by one of the following procedures the nature, location, and extent of all functions and services, as classified herein, then being provided by such special district:

- (a) By approving the original report filed by the special district, or as it may be modified by the district.
- (b) If the Commission desires any change in the report, it shall be returned to the district with requested modifications, and shall be resubmitted to the Commission within thirty (30) days.
- (c) If any special district shall fail or refuse to file any report required herein, or if any modified report is not approved by the Commission, the Commission shall make its own study and report on the functions and services being provided by the district, and shall consider the matter at a public hearing before making a final decision thereon.

LAFCO shall have the final authority to determine whether a special district is presently exercising a function or service, as such exercise is defined in Section 6 of these rules and regulations.

#### SECTION 8 - LIMITATIONS UPON EXERCISE OF FUNCTIONS AND SERVICES.

*(Amendment adopted by Commission April 17, 2002)*

Upon establishment of the functions and services being provided by a special district, the district shall not provide or engage in any new or different function or class of service, except as authorized by these rules and regulations.

The rules and regulations shall not apply to the extension or enlargement, within the boundaries of an existing district, of any function or service which the Commission, pursuant to these rules and regulations, has established is currently being provided by such special district.

#### SECTION 9 - APPLICATION FOR PROVISION OF NEW OR DIFFERENT FUNCTION OR SERVICE.

*(Amendment adopted by Commission April 17, 2002)*

Any special district proposing to provide any new or different function or service, in addition to those identified and established by the Commission pursuant to Section 7, hereof, shall file with the Executive Officer a resolution of its governing board making application for the provision of such additional function or service. The resolution of application shall be in such form as defined by the Commission and shall include, but

not be limited to, all matters as identified in Government Code Section 56700. The appropriate application form shall be prepared and shall include, or be accompanied by, all of the following:

- (a) A statement of the nature of the proposal and the reasons therefore, and shall include, but not be limited to: general plan, growth rate, topography, and economic feasibility.
- (b) A "Plan for Service" as defined by Government Code Section 56824.12.
- (c) A legal description and map of the territory which is the subject of the proposal.
- (d) Names and addresses of other agencies or service providers affected by this change.
- (e) The names and addresses of the officers or persons, not to exceed three, who are to be given mailed notice of the hearing.
- (f) Such additional data and information as may be required by the Executive Officer pertaining to any of the matters or factors which may be considered by the Commission.

SECTION 10 - HEARING ON APPLICATION FOR PROVISION OF NEW OR DIFFERENT FUNCTION OR SERVICE. *(Amendment adopted by Commission April 17, 2002)*

Upon the filing of the resolution of application, the Executive Officer shall, after environmental review, set the matter for hearing by the Commission.

- (a) The date of the hearing shall not be more than ninety (90) days after such filing.
- (b) The Executive Officer shall cause notice of hearing to be published in a newspaper of general circulation within the area for which the provision of additional function or service is proposed, at least twenty-one (21) days prior to the date of the hearing.
- (c) The Executive Officer shall also cause notice of such hearing to be mailed, at least twenty-one (21) days prior to the date of hearing to: (1) the district adopting the resolution of application; (2) each city or district within three (3) miles of the subject district; (3) each person who is designated in the application to receive notice; and (4) any person who has filed a written request for special notice with the Executive Officer.
- (d) Such hearing may be continued from time-to-time from the original date of such hearing. The conduct of such hearing shall be governed by the

provisions of Govt. Code Section 56000 et seq. and by the rules of the Commission. At any time not later than thirty-five (35) days after the conclusion of the hearing, the Commission shall adopt a resolution making determinations, and approving or disapproving the provision of the additional function or service by the district.

#### SECTION 11 - REVIEW OF FUNCTIONS AND SERVICES.

The Commission may periodically review and update the inventory of functions and services established for each special district. In conducting such a review, the Commission may require the special districts to provide current information concerning established functions and services and the special districts shall comply with this request. The Commission may, after public hearing, remove any function or service established for a special district, if the Commission determines that the function or service is not currently being provided by the district.

#### SECTION 12 - PROCEEDINGS FOR ADOPTING, AMENDMENT OR REPEAL OF RULES AND REGULATIONS. *(Amendment adopted by Commission April 17, 2002)*

The Commission may take proceedings pursuant to this article for the adoption, amendment or repeal of rules and regulations affecting the functions and services of special districts within the county. Such proceedings may be initiated either by the Commission or by independent special districts within the county.

#### SECTION 13 - MINOR CHANGES IN EXISTING RULES AND REGULATIONS. *(Amendment adopted by Commission April 17, 2002)*

Minor changes in any existing rule or regulation affecting special districts may be ordered by the Commission, without adoption of a resolution of intention, notice and hearing, or reference to a special district advisory committee, provided, that the Commission makes a determination that such changes will not substantially affect the functions and services of any special district subject to such rules and regulations and such determinations are concurred in by both Commission members appointed to represent independent special districts.

#### SECTION 14 - DISTRICTS AND PRINCIPAL ACTS *(Amendment adopted by Commission on May 15, 1996, and April 17, 2002).*

The type of districts to be included in representation are outlined in Government Code Section 56036 and are listed in Exhibit "C" along with their principal acts. The type of districts to be excluded from representation are outlined in Government Code Section 56044.